

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**AMERISOURCEBERGEN DRUG
CORPORATION, a Delaware
corporation, sometimes
doing business as AMERISOURCE
CORPORATION,**

Plaintiff,

vs.

**CIVIL ACTION NO. 2:04 CV 58
(MAXWELL)**

**JAMES S. BURKS, individually,
and doing business as
POCAHONTAS PHARMACY,**

Defendant.

ORDER

It will be recalled that, on September 24, 2007, mediation was conducted in the above-styled civil action at the Federal Courthouse in Elkins, West Virginia. It will further be recalled that, at the conclusion of said mediation session, mediator Robert M. Steptoe, Jr., advised the Court that the parties had reached a settlement herein. The terms of the settlement reached by the parties on September 24, 2007, are reflected in an Order entered by the Court on September 28, 2007. The Court's September 28, 2007, Order, expressly provides that "the Court will, upon payment of the agreed amount and the signing of an appropriate release, remove this matter from the Court's docket."

On December 14, 2007, the Court received, via *facsimile*, a letter dated December 14, 2007, from John E. Busch, counsel for the Plaintiff in the above-styled civil action. In his letter, Mr. Busch advises the Court that, in accordance with the Court's September 28, 2007, Order, the Defendant submitted the settlement check to him on October 24, 2007. Mr. Busch further advises the Court, however, that the parties have reached an impasse with regard to the appropriate language to be used in the release. In this regard, Mr. Busch further advises the

Court that his co-counsel, Anthony P. Tabasso, has spoken with Robert M. Steptoe, Jr., who has indicated that he would be willing to try to resolve the parties' dispute should the Court appoint him to conduct those activities.

Based upon the representations of Mr. Busch, as set forth in his December 14, 2007, letter, the Court believes that it would be entirely appropriate for Robert M. Steptoe, Jr., who is, at this point, thoroughly familiar with the above-styled civil action, to work with the parties and their counsel in resolving their dispute with regard to the appropriate release language.

Accordingly, it is

ORDERED that Robert M. Steptoe, Jr., be, and is hereby, **AUTHORIZED** to work with the parties and their counsel in resolving their dispute with regard to the appropriate release language. It is further

ORDERED that, in the event that the parties and their counsel and/or Mr. Steptoe desire to use the Court's facilities in Elkins, West Virginia, to meet with regard to these issues, they should contact the Court to set up a mutually agreeable date and time. It is further

ORDERED that the parties shall make arrangements to reimburse Mr. Steptoe for the time and expenses incurred by him in rendering his further services in the above-styled civil action.

The Clerk is directed to transmit copies of this Order to counsel of record herein and to mediator Robert M. Steptoe, Jr.

ENTER: December 20, 2007

/S/ Robert E. Maxwell
United States District Judge